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April 30th, 2021

Honorable Ronnie Abrams
United States District Judge
500 Pearl Street
New York, NY 10007

Re: Cazarez v. T&T 130 Pizza Corp., 20-cv-5545 (RA)

Your Honor,

The Defendant called me personally this morning in response to recent e-mails I sent to him. He indicated that he does intend on hiring an attorney and responding to this action. I told him to get moving on it and he indicated that he would.

The undersigned would prefer to refrain from drafting and submitting a default at this juncture unless the Court directs otherwise. Ideally, the Plaintiff would engage the Defendants in the SDNY mediation program.

The undersigned would respectfully suggest perhaps an order that the Defendant Tony Russo appear on brief telephone conference (hopefully not May 10th through May 12th because the undersigned has a trial scheduled in the EDNY) to state his intentions or risk a motion for default. Or such other action the Court deems just and proper.

Plaintiff's deadline to move for default judgment is adjourned to 6/15/21 to give Defendants an opportunity to obtain counsel and respond to the complaint.

Defendants are warned that if they continue to fail to engage in this litigation, a default judgment may be entered against them.

When Defendants file a notice of appearance, pursuant to this Court's practices for Fair Labor Standards Act cases, this action will be automatically referred to mediation under Local Civil Rule 83.9. Plaintiff shall email a copy of this order to the Defendant. The Clerk of Court is respectfully directed to terminate the motions pending at Dkts. 16 and 17.

/s/Colin Mulholland, Esq.

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Attorney for Plaintiff

SO ORDERED.



Hon. Ronnie Abrams

05/03/2021